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\$

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: SMOLYAR, Lev et al. Examiner: NOT YET ASSIGNED  
Serial No.: 10/608,448 Group Art Unit: NOT YET ASSIGNED  
Filed: June 30, 2003 Attorney Docket No.: P-5750-US  
Title: DEVICE, SYSTEM AND METHOD FOR BLIND FORMAT DETECTION

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW THE NOTICE OF ABANDONMENT**  
**UNDER 37 CFR §1.181(a)**

This Petition is being filed in response to the Notice of Abandonment dated October 18, 2004 issued by the United States and Trademark Office in connection with the above-identified Application. A copy of the Notice of Abandonment is attached hereto.

The Notice of Missing Parts marked by the Office as being mailed September 25, 2003 was due on November 25, 2003. However Applicants note that the Notice of Missing Parts was received by Applicants' Representatives on October 25, 2004. Applicants' Representatives received no communications relating to missing parts prior to October 20, 2004, when the Notice of Abandonment was received. This was followed on October 25, 2004 by receipt of the Notice of Missing Parts. Applicants are concurrently filing a Response to the Notice of Missing Parts with the United States Patent and Trademark Office.

Attached hereto is documentation to show the Notice of Missing Parts was received October 25, 2004:

1. A copy of the file docket. The file docket shows code "NOMP" with an action date of 30-Oct-2003. The code "NOMP" (Notice to file Missing Parts) is automatically entered into the docket upon filing of an application showing that the office of the undersigned expects to receive a Notice of Missing Parts from the Office around the indicated date. Upon receipt of a Notice of Missing Parts this office changes this code to "D-NOMP" (Deadline for NOMP) showing the real deadline for the Notice (two months from the mailing date of the Notice). As can be seen in the

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APPLICANTS: Smolyar, Lev et al.  
SERIAL NO.: 10/608,448  
FILED: June 30, 2003  
Page 2

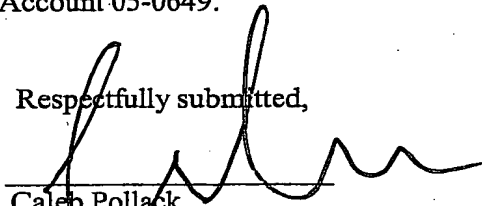
attached docket, the lack of usage of "D-NOMP" indicates that the Notice was not received. The Comment "RCV 25/10/2004" (received date) indicates the actual date on which the Notice was received.

2. A copy of the File History Directory, which includes scans (.pdf format) of documents received from and sent to the USPTO. The Properties screen appears superimposed over the Windows Explorer screen, and depicts the date of saving of the Notice of Missing Parts, which was October 26, 2004 (the day after the Notice of Missing Parts document was received by Applicants' Representatives).
3. A copy of the Notice of Missing Parts, stamped by Applicants' Representatives on 25 OCT 2004.

Accordingly, Applicants respectfully request under 37 CFC §1.181(a) that the United States Patent and Trademark Office withdraw the Notice of Abandonment and allow the continued prosecution of the referenced patent application. Also attached is the Response to the Notice of Missing Parts. If the present petition is granted, Applicants request that the Response be forwarded to the correct office.

Except for fees paid in the attached Response to Notice of Missing Parts, no fee is believed to be due. If any fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such fee to Deposit Account 05-0649.

Respectfully submitted,



Caleb Pollack  
Attorney for Applicant(s)  
Registration No. 37,912

Dated: December 10, 2004

**Eitan, Pearl, Latzer & Cohen Zedek, LLP.**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3490



Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/608,448	05/30/2003	Lev Smolyar	P-5750-US

CONFIRMATION NO. 7139

ABANDONMENT/TERMINATION  
LETTER



\*OC000000014120225\*

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

Date Mailed: 10/18/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/25/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

2134

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 09-28-03.

### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512), or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m), and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202

Customer Service Center

Initial Patent Examination Division (703) 308-1202



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
RD. Box 3430  
Alexandria, Virginia 22313-1430  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/608,448	06/30/2003	Lev Smolyar	P-5750-US

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

EPLC  
RECEIVED  
25 OCT 2004

CONFIRMATION NO. 7139

FORMALITIES LETTER



\*0000000010928875\*

Date Mailed: 09/25/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 750 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of \$414 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1294 for a Large Entity**

- \$750 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$414

12/14/2004 CNGUYEN 00000048 050649 10608448

01 FC:1001	790.00 DA
02 FC:1051	130.00 DA
03 FC:1202	450.00 DA
04 FC:1201	600.00 DA

- \$162 for 9 total claims over 20 .
- \$252 for 3 independent claims over 3 .

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



Docket 10/608, 448- Attachment to Petition

Find File Send as

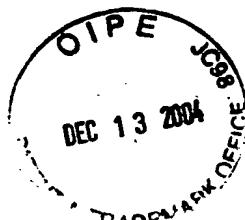
Specific Fing ML Fax Applicant Reports Word Prep Active Atty ICP Gen Menu Bill Screen

Family:   Application 10/608,448

Status

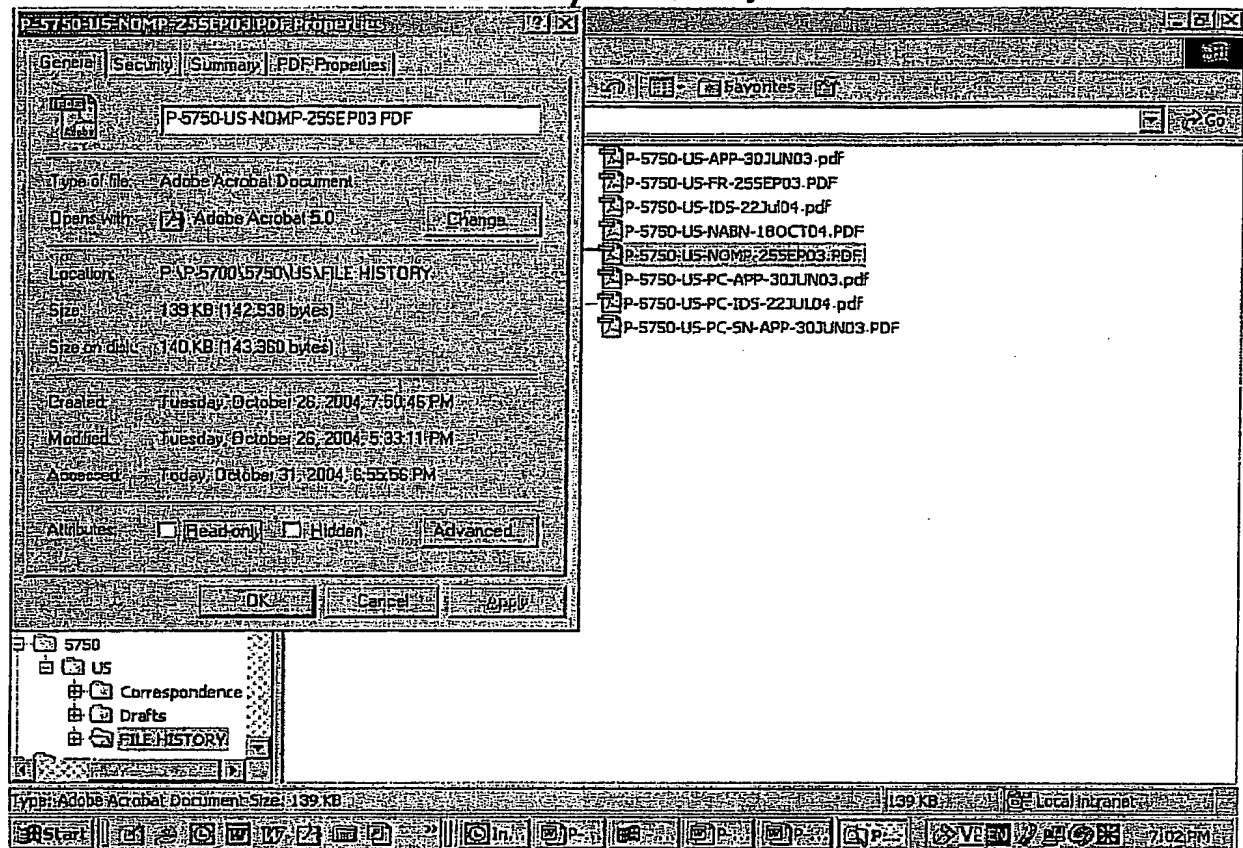
File Number	Code	Action Date	Status	Status Date	COMMENT	See Charge	Transfer to
P-5750-US	D-APP	3-Jun-2003	C	09-Jul-03	30-Jun-03 filed-send fi		
P-5750-US	LS-HD	30-Jun-2003	C	30-Nov-03			
P-5750-US	R-IDS	30-Jul-2003	C	29-Jul-04	filed 22/7-1 mth		
P-5750-US	R-IDS	30-Aug-2003	C	29-Jul-04	filed 22/7-2 mths		
P-5750-US	FFD	30-Aug-2003			RCV 25/10 FR RCVD 30		
P-5750-US	D-IDS	30-Sep-2003	C	29-Jul-04	filed 22/7-NRD		
P-5750-US	R-PRCRR	30-Sep-2003	C	07-Oct-03	07/10/2003 r2YDM		
P-5750-US	NOMP	30-Oct-2003			RCV 25/10/2004 signed		
P-5750-US	D-PRCL	30-Oct-2003	C	30-Oct-03	no priority is to be clair		
P-5750-US	D-FOR	30-Jun-2004	C	04-Jul-04	NO FF		
P-5750-US	INQSTAT	30-Sep-2004					
P-5750-US	ABND	18-Oct-2004			rcv 20/10		
P-5750-US	D-REVIVE	18-Nov-2004					

Table Update Actions Chg Status Log All Files Status © Rates ©

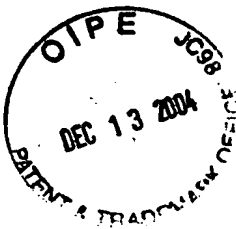


10/608,448

File History Directory 10/608,448







Attorney Docket No.: P-5750-US

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DEVICE, SYSTEM AND METHOD FOR BLIND FORMAT DETECTION**  
the Specification of which

☐ is attached hereto  
☒ was filed on **June 30, 2003**  
as United States Application Number or PCT International  
Application No. **10/608,448**  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §1.119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

### PRIOR FILED APPLICATION(S)

<u>APPLICATION</u> <u>NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY</u> <u>CLAIMED</u>
-------------------------------------	----------------	-------------------------------	-----------------------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a), which

occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE (DAY/MONTH/YEAR)	STATUS - PATENTED, PENDING, ABANDONED
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I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Vladimir Sherman (Attorney, Registration No. 43,116) or Guy Yonay (Attorney, Registration No. 52,388) said attorney(s) and/or agent(s); and said attorney(s) and/or agent(s) listed in Appendix A; with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence regarding this application to:

EITAN, PEARL, LATZER & COHEN ZEDEK, LLP.  
10 ROCKEFELLER PLAZA  
SUITE 1001  
NEW YORK, NEW YORK 10020

Direct all telephone calls to (212) 632-3480 and all facsimiles at (212) 632-3490.

Customer No. 27130


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: SMOLYAR, Lev  
FULL RESIDENCE ADDRESS: 64 Yehuda HaLevi Street, Givat Shmuel, Israel  
COUNTRY OF CITIZENSHIP: Israel  
FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR 

DATE 26 / 08 / 03  
(day / month / year)

FULL NAME OF INVENTOR: **BERGEL, Itshak**  
FULL RESIDENCE ADDRESS: **10/2 Mota Gur Street, Givat Shmuel, Israel**  
COUNTRY OF CITIZENSHIP: **Israel**  
FULL POST OFFICE ADDRESS: **same**

SIGNATURE OF INVENTOR \_\_\_\_\_   
DATE 30 / 7 / 03  
(day / month / year)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/608,448	06/30/2003	Lev Smolyar	P-5750-US

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

EPLC  
RECEIVED  
25 OCT 2004

CONFIRMATION NO. 7139

FORMALITIES LETTER



\*0000000010928875\*

Date Mailed: 09/25/2003

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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*Applicant must submit \$ 750 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
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**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

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**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$1294 for a Large Entity.

- \$750 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$414

- \$162 for 9 total claims over 20 .
- \$252 for 3 independent claims over 3 .

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): SMOLYAR, Lev et al. EXAMINER: Not yet assigned  
SERIAL NO.: 10/608,448 GROUP ART UNIT: Not yet assigned  
FILED: June 30, 2003 ATTORNEY DOCKET No.: P-5750-US  
FOR: DEVICE, SYSTEM AND METHOD FOR BLIND FORMAT DETECTION

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Sir:

Applicants are concurrently filing a Petition to Withdraw the Notice of Abandonment, as Applicants' representatives only received the Notice to file Missing Parts (marked as being mailed September 2003) on October 25, 2004. In response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b), marked as mailed September 25, 2003 (a copy of which is enclosed), Applicants submit herewith the following:

1. ☒ an executed Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 C.F.R. 1.63;
2. ☐ Applicant(s) Claim Small Entity Status; and
3. ☐ a Preliminary Amendment.

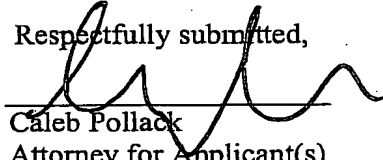
A response is officially due November 25, 2003. However, no fees are believed to be due, as Applicants' representatives only received the Notice to file Missing Parts on October 25, 2004. The Patent Office is hereby authorized to charge Deposit Account 05-0649 in the amount of \$1346, covering the following:

APPLICANTS: SMOLYAR, Lev et al.  
 SERIAL NO: 10/608,448  
 FILED: June 30, 2003  
 Page 2

<b>FEE CALCULATION</b>				
<b>1. BASIC FILING FEE</b>				
	Large Entity Fee	Small Entity Fee		
Utility	\$790	\$395		790
Provisional	\$160	\$80		0
<b>2. EXTRA CLAIM FEES</b>				
Total Claims	29	-20 ** =	9	x 18 = 162
Independent Claims	6	- 3 ** =	3	x 88 = 264
		Multiple Dependent	x	0
Large Entity Fee	\$18	Small Entity Fee	\$9	Claims in excess of 20
	\$88		\$44	Independent claims in excess of 3
	\$300		\$150	Multiple dependent claim, if not paid
				426
<b>3. Fee for Petition for Extension of Time</b>				
	Large Entity Fee	Small Entity Fee		
	\$110	\$55	Extension for reply within first Month	
	\$430	\$215	Extension for reply within second Month	0
	\$980	\$490	Extension for reply within third Month	0
	\$1,530	\$765	Extension for reply within fourth Month	0
<b>4. Surcharge Fee Under 37 CFR 1.16(e) or 1.492(e)</b>				
	Large Entity Fee	Small Entity Fee		
Utility	\$130	\$65		130
<b>5. Surcharge Fee Under 37 CFR 1.16(l)</b>				
	Large Entity Fee	Small Entity Fee		
Provisional	\$50	\$25		0
<b>TOTAL</b>				1,346

If any additional fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.

Respectfully submitted,

  
 Caleb Pollack  
 Attorney for Applicant(s)  
 Registration No. 37,192

Dated: December 10, 2004

**Eitan, Pearl, Latzer & Cohen Zedek, LLP.**  
 10 Rockefeller Plaza, Suite 1001  
 New York, New York 10020  
 Tel: (212) 632-3480  
 Fax: (212) 632-3490

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